

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HEATHER HOPPER,)
)
Plaintiff,)
)
vs.) Case No. 4:13CV1840 RWS
)
CONSUMER ADJUSTMENT CO.,)
INC., et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

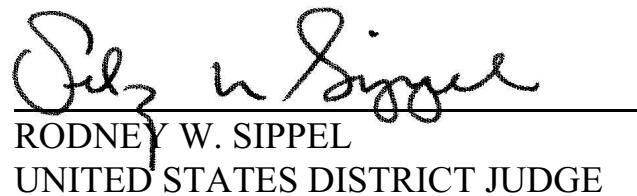
This matter is before me on plaintiff's motion to disqualify defense counsel from representing defendant in this case. The asserted basis for disqualification is that defense counsel has filed a class action suit against plaintiff's counsel in state court. According to plaintiff's counsel, plaintiff is a member of that class so defense counsel has a concurrent conflict of interest in representing defendant in this case. The motion to disqualify is meritless. First, plaintiff is not even a potential member of the purported class action because the potential class is defined as people who hired plaintiff's counsel and "for whom [plaintiff's counsel] recovered money." This lawsuit has just been filed and has not been settled, so plaintiff's counsel has not "recovered money" for plaintiff. Moreover, even if plaintiff could be a potential unnamed member of the putative class,

Comment 25 to Rule 4-1.7 of the Missouri Rules of Professional Conduct makes clear that, for purposes of determining whether concurrent conflicts of interest exist, “[w]hen a lawyer represents or seeks to represent a class of plaintiffs or defendants in a class-action lawsuit, unnamed members of the class are ordinarily not considered to be clients of the lawyer for purposes of applying Rule 4-1.7(a)(1).” Because no conflict of interest exists here, the motion to disqualify will be denied. Finally, I remind the parties to conduct themselves professionally in all dealings with this Court, which includes civility to opposing counsel.

Accordingly,

IT IS HEREBY ORDERED that the motion to disqualify [#5] is denied.

IT IS FURTHER ORDERED that the motion for oral argument [#6] is denied as moot.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 18th day of October, 2013.